

Clarion Associates LLC  
621 17<sup>th</sup> Street, Suite 2250  
Denver, Colorado 80293  
303.830.2890  
303.860.1809 fax

Community Planning  
Zoning/Design Standards  
Impact Fees  
Growth Management  
Sustainability

**CLARION**

## MEMORANDUM

**TO:** Brandy Reitter and Mark Doering, Town of Buena Vista  
**FROM:** Matt Goebel and Tareq Wafaie, Clarion Associates  
**DATE:** December 9, 2015  
**RE:** Module 1 of the New UDC: General Provisions, Districts, Uses, and Rules of Construction and Definitions – PUBLIC DRAFT

We are pleased to present for your review the public draft of the first articles of the new Buena Vista Unified Development Code (UDC). The attached document includes:

- Article 16.01: General Provisions
- Article 16.02: Zoning Districts
- Article 16.03: Use Regulations
- Article 16.06: Definitions and Rules of Construction and Definitions (partial - only those applicable to this module)

The remainder of this memorandum covers the major changes as presented in the new UDC. These changes are based on our own observations and meetings with staff, the Steering Committee, and other stakeholders, with a heavy focus on the recommendations provided in the September Assessment Memorandum and Annotated Outline, in particular:

- **Update the zoning districts and land uses.** This focus of this first module is on districts and uses. This draft presents a revised lineup of zoning districts and table of allowed land uses – addressing many of the issues raised during the assessment phase, and in preparation of the draft Comprehensive Plan.
- **Create a more user-friendly ordinance.** This first module illustrates how the new reformatted and reorganized UDC will be much more user-friendly than the current the regulations. In addition to reformatting and reorganizing information, we also developed several tables to improve the readability. Subsequent chapters will also introduce additional new graphics.

### General Comments

#### Organization and Formatting

As recommended in the Assessment Memo, material from the current Buena Vista Land Use Code has been consolidated into one new chapter called the “Unified Development Code.” A new numbering system has also been applied for consistency. The overall organization of the UDC has also been revised. In some cases, current provisions were carried forward as-is (or slightly modified) and in other cases provisions were significantly updated, relocated, or removed.

This new UDC represents a look and feel that is very different from the current regulations. This draft includes new formatting suggested by Clarion and vetted by staff and the Steering Committee. Every line of text in this new UDC has an official Microsoft Word “style” applied to it, making revisions and future amendments to the look of the document as simple as a few mouse clicks. We chose a font

package that is easy to read and presents well in both color and black & white. We also made several style, grammar, and formatting assumptions through this draft UDC, such as consistent capitalization of key terms, and spelling out numbers one through nine (numerals for 10 and higher). Any spelling errors, typos, or grammatical errors from the current regulations were corrected in this draft UDC, often without footnote.

### **Footnotes, Cross-References, and Commentary**

Numerous footnotes are included to highlight relocations, new or modified provisions, and to ask questions. Please pay close attention to the footnotes as you review the draft.

Cross-references are hyperlinked and updated to reflect the new numbering format and specific location within the new UDC. The new cross-references were created using field codes in MS Word, making future updates relatively simple and allowing global updates with the click of the mouse. Please note that the highlighted cross-references are to sections that will be included in future articles and represent the location of the provision in the current regulations, not this first module of the UDC. Once the second module has been fully developed, the highlighted cross-references will be updated according to their location in the new draft UDC.

Each article (and some sections) begins with shaded text commentary drawing the reader's attention to the primary purpose of the article and the major changes from the current Land Use Code. These commentary boxes are intended only to provide context for review, and will be removed prior to the consolidated adoption draft.

### **References to Comprehensive Plan Language**

Throughout this first module, we have included commentary text boxes linking specific policies and actions to specific draft code provisions. The text boxes are intended to illustrate how some of the policies and actions are being implemented; however, they do not represent an inclusive representation of how this first module helps to implement the Comprehensive Plan. Just like the introductory commentary and footnotes, these text boxes will be removed prior to the consolidated adoption draft.

### **Graphics**

We included several placeholders for where we think graphics might help illustrate complex or confusing provisions. Please review those placeholders and let us know if there are others that might be more useful. We budgeted for the creation of about 25 code graphics, and we expect many of them will be required with the development and design standards in Module 2.

## **Article 16.01: General Provisions**

This draft introduces several new general provisions that are intended to apply to the entire new UDC, including transitional provisions (how applications are processed during the transition from the current regulations to the new UDC), and expanded enforcement and nonconformities provisions. The nonconformities were suggested to be within a separate article in the Annotated Outline; however, after further consideration it appeared to fit better into Article 16.01.

## **Article 16.02: Zoning Districts**

The zoning districts article represents our current thinking on the lineup of zoning districts and the applicable dimensional standards for each district. For consistency, we changed all references from "zone districts" to "zoning districts." This article includes:

- General provisions as they apply to the zoning districts and associated map;
- The description of each district and associated standards;
- Specific requirements for overlay districts and PUDs;
- Summary tables for each category of zoning districts; and

- Exceptions to dimensional standards within this article.

### **Organization of Districts**

This article organizes the base zoning districts by district categories (residential, mixed-use and commercial, and other nonresidential). These categories were carried throughout the zoning district article and also the use regulations in Article 16.03. The two articles, 16.02 and 16.03, should be reviewed together to get a fuller picture of the intent of each district.

### **New Districts**

As recommended in the Assessment Memo and Annotated Outline, the lineup of zoning districts includes new districts:

- Mixed-Use One (MU-1)
- Mixed-Use Two (MU-2)
- Mixed-Use Main Street (MU-MS)
- Airport (AP)

Following further discussion with staff, we also included a new district for Manufactured Home Parks, called the “M-H district.” This district will allow for an official district designation of Buena Vista’s current and any future manufactured home parks, and establishes the basic dimensional standards for manufactured home parks.

### **Renamed Districts**

Some of the districts have been renamed to reflect the type of district:

- B-2, Renamed to HC (highway commercial)
- S-1, Renamed to OSR (open space and recreation)

### **Dimensional Standards**

For the dimensional standards tables, we proposed changes to several of the requirements to make the code more flexible, or to provide greater neighborhood protection. Cells with changes to the existing regulations are shaded. Cells shaded **green** indicate that the dimensions were revised to be more flexible than the current standards; cells shaded **red** indicate that the dimensions were revised to be more restrictive.

## **Article 16.03: Use Regulations**

This article contains the standards related to land uses in Buena Vista and is intended to be reviewed with Article 17.02, Zoning Districts. This article includes a table of allowed uses, consolidated to include all zoning districts as proposed for Buena Vista. This consolidated use table was a major recommendation in the Assessment Memo. In the use table, several uses were consolidated into more general use types. New uses were also added to the table, per the Comprehensive Plan recommendations and the Assessment Memo.

This article begins with the table of allowed uses, and is followed by use-specific standards applicable to certain uses in the table.

### **Table of Allowed Uses**

The table of allowed uses is organized first by major use category (e.g., residential, commercial, accessory), and then by subcategory (e.g., household living vs. group living). Within each subcategory, the specific use type is listed. Several changes were made to the level of permission for certain uses. The rationale behind changes to permission is based on one or more of the following factors:

- 1) To be consistent with the Comprehensive Plan or Assessment Memo;
- 2) Use-specific standards allow for a more permissive level of approval with less discretion; and/or
- 3) To be consistent with current planning trends.

For this draft, changes made to the level of permission in a particular zoning district are shown by the shading of the cell. As with the dimensional standards tables, if a cell is shaded green, that means the level of permission has changed to be more permissive (e.g., S to P). If a cell is shaded red, that means the level of permission has changed to be more restrictive (e.g., P to S). The previous level of permission (P or S) is stricken (e.g., ~~S~~). If the use was previously prohibited (blank), the new level of permission will only include one letter. For uses that were consolidated, and the level of permission was different for the individual uses prior to consolidation, those changes are indicated as such in the footnotes.

### **Use-Specific Standards**

The table of allowed uses also provides a cross-reference in the far right column if use-specific standards are applicable. Some of the use-specific standards were carried forward from the current code, yet revised significantly for clarity and consistency. Additionally, many new use-specific standards were drafted to ensure compatibility with surrounding uses, to implement the Comprehensive Plan, and to protect the general health, safety, and welfare of the community. These standards, whether existing or new, are indicated as such in the footnotes. The use-specific standards generally follow the same organization and order as the table of allowed uses (beginning with residential uses, and ending with industrial).

### **Accessory Uses and Structures**

There are only minimal provisions in the current code on the topics of accessory uses and structures. There are two general approaches to dealing with accessory uses. Some communities adopt a broader, performance-based approach, stating that a variety of unnamed accessory uses may be allowed so long as they comply with the performance standards in the ordinance. Other communities take a narrower approach, choosing to define the specific accessory uses that may be allowed (often putting them in a table) and prohibiting unlisted uses (or providing a process for approving unlisted uses.)

This draft generally follows the latter approach by offering general standards that apply to all accessory uses and structures, in addition to identifying some specific accessory uses in the allowable uses table. This draft also leaves the door open for other uses if the Town Administrator determines that the use complies with the performance standards set forth in this UDC.

### **Temporary Uses and Structures**

There is minimal discussion of temporary uses and structures in the current code. For this draft, we include several new provisions related to the types of structures and uses permitted. The procedures for temporary use permits will be largely addressed through Module 2.

## **Article 16.06: Rules of Construction and Definitions**

This article includes defined terms necessary to understand the provisions contained in the other articles (General Provisions, Administration and Procedures). Some of the definitions were carried forward from the existing ordinance, while others are new and are based on definitions from other codes Clarion has drafted and then tailored for Buena Vista. This article will continue to grow as other articles are drafted. This article will ultimately include graphics where determined necessary to illustrate more complex definitions.

## **Next Steps**

This module will be distributed for review by the Steering Committee, appointed and elected officials, and the general public. Please provide any comments to Buena Vista staff by email at [bvplanning@buenavistaco.gov](mailto:bvplanning@buenavistaco.gov). There will not be a revised version of this first module; rather, comments received on this first module will be considered during the drafting of the consolidated

adoption draft following Module 2. Module 2 is expected to be distributed for public review in early March 2016.